



12 May 1977

OGC 77-3065

MEMORANDUM FOR: Director of Central Intelligence

FROM :
Deputy General Counsel

SUBJECT : Your Notes "Suggested Points for the President to Raise
With the Senate Select Committee on Intelligence"

1. Action Requested: None. For your consideration.

2. Background: George Cary provided this office with a copy of the referenced notes and asked that we get back directly to you with any suggestions we might have on the items involving the Intelligence Oversight Board and electronic surveillance legislation.

3. Recommendation: I have taken the liberty of revising paragraph 5 of your notes to reflect precisely the status and substance of possible legislation on electronic surveillance and unconsented physical searches. There is no proposed legislation relating to physical surveillances. I suggest the following rephrasing and reordering of your subparagraphs.

a. This Administration has prepared for submission to Congress an Electronic Surveillance Bill which should be effective in assuring that the personal liberties of our citizens will not be infringed by improper electronic surveillance in the United States.

b. The Attorney General also intends to develop legislation to protect the rights of Americans overseas against improper electronic surveillance.

d. The Attorney General is considering legislation that will prevent improper physical searches.

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SUGGESTED POINTS FOR THE PRESIDENT TO RAISE
WITH THE SENATE SELECT COMMITTEE ON INTELLIGENCE

1. Legislative Charters.

- a. Willing to accept. — ?
- b. Want to work closely with the Committee:

(1) to avoid a situation in which the legislative charters become too detailed and tie down the specifics of the intelligence process in too permanent a manner.

(2) so that central purpose of charter is not lost in unnecessary debate over executive and legislative privilege.

c. Hope charters and new Executive Order can be a matching set.

d. Expect to have our proposed changes to Executive Order ready by mid-June.

(1) Will discuss with Committee prior to issuing.

2. Security of Information.

- a. Imperative be able to hold important data.

(1) Hope Select Committee can
shoulder most of Senate responsibility
for oversight of sensitive materials.

3. Open Budget.

a. Agreed not to object to disclosure of a single
budget figure in a desire to be more forthcoming and open.
Am persuaded that only a single figure can be released within
the bounds of security. Am prepared to enforce a strict policy
on that regard within the Executive Branch.

b. It is now up to the Senate as to what you want to do.
Do not want to attempt to dictate to you because of the
accompanying responsibility also to maintain a strict adherence
to a policy of only one number.

4. Intelligence Oversight Board.

a. Have reconstituted the Intelligence Oversight Board
with three capable men. The Chairman has had some experience
in the intelligence business and hence will lead a modicum of
expertise. Senator Gore and Governor Scranton are, of course,
citizens with distinguished records of public service.

b. Have elected to disestablish the President's Foreign
Intelligence Advisory Board, largely in view of the increased
role that the Senate Select Committee is playing in reviewing
the intelligence process. I anticipate a continuing and useful
dialogue with the Committee and hope that this will, in large

measure, substitute for the Advisory Board. In addition, such a Board must have access to all of the most sensitive intelligence information. There is always some risk inherent in simply expanding the numbers of people exposed to this kind of information.

5. Electronic Surveillance Bill.

a. This Administration has submitted an Electronic Surveillance Bill which should be effective in preventing abuse of personal liberties of our citizens as a result of improper electronic surveillance.

b. The Attorney General is developing a bill that will similarly prevent abuses of physical surveillance.

c. The Attorney General is also developing legislation to protect the rights of Americans overseas against all forms of surveillance.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Executive Registry

72-1308/1

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

12 May 1977

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TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

Director

2.

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15.

I have made some suggested changes in your point paper for the President's meeting with the Senate Select Committee. I revised item 1(a) to allow for the option of making adjustments in existing legislation rather than enacting a completely new statute.

I have elaborated on 2 by adding item (c) which reflects a comment you had made on an earlier paper on the subject of clearances and also specified the preference in principal to a joint committee (2d) and repeal or modification of Section 662 (2e).

I added an item on in the event the President wishes to take issue with the Committee's decision on its unclassified statement.

I also inserted item 7 to emphasize the positive role which the Select Committee can play. OGC is reviewing the IOB and electronic surveillance sections

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George L. Cary
Legislative Counsel